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Tel.: (718) 513-3145

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Mark Kipnis,

Case No.: 1-18-40103-nhl

Chapter 11

Debtor.

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NOTICE OF MOTION OF ORDER TO ENTER FINAL DECREE

PLEASE TAKE NOTICE, that the Hearing for an attached proposed order for an application to enter final decree shall be conducted before Honorable Nancy H. Lord, United States Bankruptcy Judge, for signature on **November 17, 2020 at 3:30 P.M.** in the United States Bankruptcy Court- Eastern District of New York, Court 3577, 271 Cadman Plaza East, Brooklyn NY or as soon as counsel can be heard.

PLEASE TAKE FURTHER NOTICE, that unless a written objection to the proposed order to enter final decree, with proof of service, is filed with the Clerk of the Court, with a courtesy copy to chambers, at least three (3) days before the Hearing Date, the order may be signed. Objections, if any, must be in writing setting forth the facts and authorities upon which an objection is based, filed with the Clerk of the Court, United States Bankruptcy Court – Eastern District of New York, 271 Cadman Plaza East, Brooklyn, with two (2) copies to

Chambers, provided, however, that pursuant to *general order* No. 399 re Electronic Case Filing Procedures (as amended from time to time), entities with Internet access shall file objections (formatted with Adobe Acrobat, rider 3.0) at <http://www.nysb.uscourts.gov>, which objections shall be served so as to be received by the attorneys for the Debtor, Law Offices of Alla Kachan, P.C. 3099 Coney Island Avenue, 3rd Floor, Brooklyn, NY 11235, and the United States Trustee's Office, Eastern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, Attn: Rachel Wolf, Esq., no later than November 10, 2020.

PLEASE TAKE FURTHER NOTICE, that if a written objection to the proposed order to enter final decree is timely filed, the court will notify the moving and objecting parties of the date and time of the hearing and of the moving party's obligation to notify all other parties entitled to receive notice. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

PLEASE TAKE FURTHER NOTICE, that the ECF docket number to which the filing relates shall be included in the upper right-hand corner of the caption of all objections.

DATED: Brooklyn, New York
October 7, 2020

/s/ Alla Kachan
Alla Kachan, Esq.
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APPLICATION

**TO THE HONORABLE NANCY H. LORD,
UNITED STATES BANKRUPTCY JUDGE:**

The Application of Mark Kipnis, (the “Debtor”) by his attorney, Law Offices of Alla Kachan, PC, respectfully represents:

1. The Debtor commenced this proceeding by filing a voluntary petition in the United States Bankruptcy Court for the Eastern District of New York under Chapter 11 of the Bankruptcy Code, on January 9, 2018 (the “Petition Date”).
2. On May 16, 2018 the Debtor filed a motion seeking the retention of Alla Kachan, Esq. as bankruptcy counsel for the Debtor.
3. By an Order of the Court dated December 28, 2018 Alla Kachan’s retention was

approved on behalf of the Debtor.

4. On February 27, 2018 the Debtor filed a motion seeking the retention of Wisdom Professional Services, Inc. as bankruptcy accountant for the Debtor.
5. By an Order of the Court dated, October April 13, 2018 Wisdom Professional Services, Inc.'s retention was approved on behalf of the Debtor.
6. Pursuant to Section 341 of the Bankruptcy Code, a meeting of creditors was held on February 15, 2018.
7. An order setting forth the last day to file proofs of claim was entered on January 26, 2018 scheduling the claims bar date as 3/16/2018.
8. On September 16, 2020 the Debtor's Plan of Reorganization (the "Plan") was confirmed by order of this Court.
9. Payments under the Plan have commenced in September 2020. The plan contemplates payments to creditors over a period of 60 months from the effective date of the plan.
10. The case is ready to be closed for the duration of the plan payment period. The Debtor shall re-open the case in order to seek the entry of a discharge, upon the completion of all contemplated plan payments.
11. Under Bankruptcy Rule 3022, a party in interest may move for the entry of a Final Decree closing the case. The two factors applicable on the facts of the instant case, of the five generally considered by the courts in closing the case, are as follows: 1) The order confirming the plan has become final and 2) The payments under the plan have commenced.

12. Upon information, knowledge, and belief, the Plan has been fully implemented and substantially commenced in accordance with the terms of the Plan, §350(a) of the Code and Rule 2015(a) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").
13. The Debtor's estate has been fully administered pursuant to the Local Bankruptcy Rule 3022-1.
14. Previously filed with the Court, incorporated herein and made a part hereof is this Court's Form entitled "Bankruptcy Closing Report" which, upon information, knowledge, and belief, reflects, inter alia, the fees and expenses in connection with the administration of the Debtor's Chapter 11 Case.
15. All amounts due the Office of the United States Trustee on account of quarterly fees due and owing through the 3rd quarter of 2020 will be paid within seven (7) days of entry of the order.
16. The operating report for the month of September 2020, as well as a letter setting forth the income projections of the Debtor for the month of October 2020, will be prepared by the accountant in the case and filed by October 20, 2020.
17. The Office of the United States has been served with a copy of this application, the Bankruptcy Closing Report and the Final Decree. Debtor's counsel has reviewed the Final Decree and related documents and supports entry of the Final Decree.
18. A proposed form of Final Decree is annexed hereto.

WHEREFORE, the Debtor respectfully requests the issuance by this Court of a Final Decree pursuant to Bankruptcy Rule 3022 closing the Debtor's Chapter 11 Case, and for such other and further relief as the Court may deem just and proper.

DATED: Brooklyn, New York
October 7, 2020

/s/Alla Kachan
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FINAL DECREE ORDER

Upon the application of Mark Kipnis, October 7, 2020 (the "Application"), by his attorneys, Law Offices of Alla Kachan, P.C., for an Order granting a Final Decree in this case; and it having been represented and it appearing that the estate of the Debtor has been fully administered pursuant to the confirmed Plan of Reorganization of Mark Kipnis (the "Plan"); and it also appearing that notice of the submission of the Application and service of a copy thereof was duly and timely made upon the Office of the United States Trustee and that no objection was made to granting the relief requested therein, and sufficient cause appearing to me therefor, it is

ORDERED, that the above-captioned Chapter 11 Case be, and it hereby is, closed.
and it is further

ORDERED, that the Debtor will provide an affidavit of disbursements and pay all fees pursuant to 28 USC 1930(a)(6) and any applicable interest thereon within seven (7) days of entry of the order.